

September 25, 2001

Diana Morris
Oregon Department of Agriculture
Natural Resources Division
635 Capitol St. NE
Salem, Oregon 97301-2532

Re: Proposed Water Quality Rules for the Coos Water Quality Management Plan

Dear Diana Morris:

The Department has reviewed the proposed SB 1010 plan and rules for Coos County Water Quality Management Plan Areas. We appreciate the efforts of ODA, the local ODA planner, the Coos SWCD as the DMA, and especially the efforts of the Local Advisory Committee members. In general, these efforts have resulted in the development of a WQMP that will assist local agricultural interests in implementing sound practices to protect water quality. We would like to provide to following comments regarding this plan:

1. Although the Department has yet to complete the TMDL process for Coos County we do believe that load allocations forthcoming from this process will need to be addressed by the Agricultural Water Quality Management Plan (WQMP). We look forward to working with ODA to incorporate these load allocations into the Plan upon revision. This is consistent with our memorandum of agreement. It would be helpful to describe this process clearly somewhere in the WQMP. Many comments and inquiries have been voiced during the planning process regarding how loads from TMDL assessments will be incorporated. This explanation might be well placed in the section "Implementation and Public Participation".
2. We are pleased that the rules address the need for heightened management of riparian areas. We are concerned that the rules do not ~~specify~~ more specifically define, what riparian goals might be. It might be helpful to identify who will determine that streambank vegetation represents ~~that of site capability~~, and that it is sufficient to control water pollution, and how this will be accomplished. Inclusion of guidelines or mechanisms that will be used to make this determination might prove helpful.
3. The proposed rule addressing irrigation management does not speak to conservation and prudent use of irrigation water. Increasing stream flows will be an important part of TMDL implementation. ~~Agricultural operators~~ Irrigators need to utilize irrigation waters ~~is in~~ such a way as to meet irrigation needs while implementing conservation measures to assure this precious resource is not wasted.
4. The proposed rule leans heavily on the complaint process to assure that compliance is achieved. In addition, the WQMP speaks of education, outreach, and technical assistance that will be offered to landowners that request such assistance. No mechanism to measure the success of these efforts is described in the Plan. ~~It~~ seems prudent to describe how progress in implementing plan components to address 303d listed water quality limited stream segments will be generated and assessed.

5. The monitoring section provided in the plan suggests that a monitoring plan will be developed and implemented at some time in the future. Water quality monitoring is an important component to guide the implementation of this plan and provide information regarding agricultural loading and allocations. Additional information in this section regarding the monitoring of TMDL loads and water quality benchmarks would provide connectivity throughout the TMDL and WQMP process.
6. The dissolved oxygen standard citation is not complete. Please refer to 340-41-325(a)A-H for the complete dissolved oxygen standard. This OAR identifies numeric criteria for cold, cool, and estuarine waters dissolved oxygen levels.
7. Page 17 cites appendix E as the source of associations and agencies that are available to provide assistance to landowners. This information is found in appendix F.
8. Page 18 of the Plan provides a landowner exclusion from responsibility "for conditions resulting from unusual weather events or other exceptional circumstances that could not have been reasonably anticipated". These conditions should be defined for clarification (e.g. storm reoccurrence interval, other).
9. Thank you for your consideration and in many cases inclusion of Coastal Zone Act management measures.

Sincerely,

Pamela Blake
South Coast Basin Specialist
Oregon Department of Environmental Quality

cc: Pamela Blake
John Blanchard
Dick Pedersen